IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.123 OF 2004
WITH
CRIMINAL REVISION APPLICATION NO.13 OF 2004

Shri Deepak Vithal Dalavi ..Applicant

Versus

Smt.Disha Deepak Dalavi & Anr.....Respondents

Shri Suresh M.Sabrad, for the Applicant
Ms. G.P. Mulekar, A.G.P. for the Respondent No.2.

CORAM: F.I. REBELLO & ANOOP V.MOHTA, JJ.
DATE : 26th August, 2004

P.C.:

1. We are inclined to condone the delay considering that it is only a matter of six days.

. Delay condoned. Criminal Revision heard forthwith.

However, we have perused the order of the First Revisional Court and the present petition also is to invoke the revisional jurisdiction of this Court. The Revisional Court at the instance of the respondent who had approached it consequent to application for maintenance under Section 125 being rejected, reversed the order of the Judicial Magistrate, First Class and has awarded maintenance in the sum of Rs.750/- per month. On perusal of the record, we agree with the findings recorded by the First Revisional Court as there was total misdirection by the J.M.F.C.,in considering the evidence before it. There was sufficient material for the Court to arrive at the conclusion that inspite of the admission by the respondents herein to resume cohabitation, she was not allowed

to do. The respondents herein were further able to show that she had no means to maintain herself and, therefore, she had satisfied the twin requirement required for awarding maintenance under Section 125 of the Criminal Procedure Code.

2. Considering the above, we find that the First Revisional Court at the instance of Respondent herein has correctly addressed itself to the questions involved and in view of the above, this is not a fit case for interference. In view of that Civil Application in Criminal Revision Application stands disposed of.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA, J)